

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1275 OF 2006
WITH
WRIT PETITION NO.1274 OF 2006

Ranjitkumar Deshmukh ..Petitioner.
Vs.
H. H. Dr. Sayyenda Mohammed ..Respondent.
...
Mr. C.N. Chavan for the Petitioner.

CORAM : [DR.D.Y.CHANDRACHUD](#), J.
12th April, 2006.

P.C.:

1. Writ Petition 1274 of 2006 was not on Board. Mentioned. On the request of the learned counsel taken on Board and heard forthwith.

2. An application for the fixation of standard rent was dismissed on 1st March, 2004. A revision was filed in February 2005. There being a delay of over 11 months, an application for condonation of delay was filed. The delay has not been condoned. Ordinarily, in such matters Courts are liberal in condoning delay. However, it is necessary to emphasise that the reason in support of the application for condonation must be genuine and it is not open to an Applicant to claim condonation on the basis of reasons which,

as in the present case, are false.

3. The case of the Petitioner was that he had gone to Mangalore where his immovable property is situated and that he was required to stay there between June 2003 and December 2004. According to the Petitioner, he had disputes with the revenue authorities and the Municipal Corporation at Mangalore and that immediately on his return from Mangalore on 20th January, 2005 he contacted his advocate and came to know about the dismissal of the application for standard rent on 1st March, 2004. The Small Causes Court has noted in its impugned order that the application for condonation was without any particulars, details or documentary evidence. No documentary evidence was produced in support of the statement that the Petitioner was required to visit Mangalore and to remain there due to a property dispute. But, what really falsifies the entire basis for the application for condonation is that in the reply which was filed by the Respondent, it was specifically stated that in various proceedings that were instituted by the landlord, the Petitioner had himself taken out proceedings on 18th June, 2004, in July 2004, on 30th September, 2004 and on 16th December, 2004. A reference to these

proceedings has been made in detail in paragraphs 11, 12, 13 and 14 of the reply dated 15th April, 2005 filed by the Respondent to the application for condonation of delay. In these circumstances, the Small Causes Court was entirely justified in coming to the conclusion that the reason offered in support of the application for condonation was false since admittedly between March 2004 and February 2005 the Petitioner has subscribed his own signature to pleadings which were filed before the Small Causes Court in different proceedings in Mumbai. There has, therefore, been a suppression of material facts and the Court below was justified in dismissing the application for condonation. Even at the present stage, I have, with the assistance of the learned counsel, perused the documents which have been produced before this Court for the first time. None of the documents that have been placed before the Court relate to the period after 1st March, 2004 when the application for fixation of standard rent was dismissed. There is, therefore, no case for interference under Article 227. Both the Petitions are dismissed.